

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMENDED NOTICE OF APPEAL

Notice is hereby given that ZEMENCO, INC., plaintiff in the above-named action, hereby appeals to the United States Court of Appeals for the Third Circuit from (1) the Order entering judgment, entered in this action on the 14th day of October, 2005, (2) the Order granting summary judgment and dismissing this action, entered in this action on the 7th day of October, 2005, (3) the Memorandum Opinion granting summary judgment and dismissing this action, entered in this action on the 7th day of October, 2005, and (4) the minute entry denying ZEMENCO, INC.'s motion to compel filing of concise statement of material facts, entered in this action on the 15th day of July, 2005.

Respectfully submitted,

Joseph A. Katarincic, Esquire

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 4th day of November, 2005, that true and correct copies of the foregoing Amended Notice of Appeal has been served by United States first-class mail, postage affixed thereto, on the following parties:

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THE COURT Pursuant to Local Appellate Rule 3.1:

The Honorable Sean J. McLaughlin
United States District Court Judge
Courtroom "C"
United States Courthouse
17 South Park Row
Erie, Pennsylvania 16501

A handwritten signature in black ink, appearing to read "Joseph A. Kates", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'J' at the beginning.